

Topsfield Planning Board

March 17, 2015

Chairman Morrison called the meeting to order at 8:00 PM at the Town Library. Board members present were Martha Morrison, Jeanine Cunniff, Joseph Geller, Ian De Buy Wenniger and Steven Hall. Roberta Knight, Community Development Coordinator was also present.

Visitors: Selectman Dick Gandt; Stephen Silveri, Attorney Nancy McCann, Jeff Garber, Scott Cameron.

PLANNING BOARD ZONING WARRANT ARTICLES PUBLIC HEARING

At 8:00PM, Chairman Morrison opened the public hearing to consider the following proposed amendment to the Topsfield Zoning By-law for the May 5, 2015 Annual Town Meeting. Clerk Steven Hall read the legal notice for the record. See below.

1. **Article III, Section 3.05:** amends nonconforming uses section by removing quotations from the first paragraph, inserting of alphabetic ordering to existing paragraphs and the addition of a new section which would allow a nonconforming single family residential structure located on a lot with insufficient area or insufficient frontage to be altered if the structure as altered complies with all current setback, yard, building coverage and building height requirements as determined by the Inspector of Buildings.
2. **Article IV, Section 4.12B:** amends the distance requirement for the use of off street parking areas from two hundred feet to five hundred feet from the premises which is accessible by foot and which the user has a legal right to use.

Chairman Morrison made a summary presentation of the proposed amendments. The Board then proceeded to review the zoning amendments by article as listed in the legal notice and in the public hearing document titled "Proposed 2015 Zoning Warrant Articles".

Article III, Section 3.05 Nonconforming Uses: The members reviewed the draft language and entertained a comment by Selectman Gandt to add the words "or two family". The article would read as follows:

C. A nonconforming single family *or two family* residential structure located on a lot whose only nonconformity is insufficient area and/or insufficient frontage may be altered if the structure, as altered, complies with all current requirements for setbacks, yards, building coverage and building height, as determined by the Inspector of Buildings."

Article IV, Section 4.12B Off Street Parking Uses: Chairman Morrison noted that the parking issues in the Village Business District have discouraged development in the downtown area and would provide flexibility for businesses and less curb cuts. This revision would free up street spaces with employees encouraged to park in the public parking areas. There were no revisions to this article.

The public hearing was closed.

For specific details refer to the attached proposed Public Hearing Document, dated March 17, 2015.

Deliberations and Vote of the Board:

Article III, Section 3.05 Nonconforming Uses: Member Ian De Buy Wenniger made the motion to approve the revision proposed by Selectman Gandt; seconded by Member Joseph Geller; so voted 5-0.

Article IV, Section 4.12B Off Street Parking Uses: Clerk Steven Hall made the motion to approve Section 4.12B; seconded by Member Joseph Geller; so voted 5-0.

57 Perkins Row Preliminary Subdivision: Attorney Nancy McCann, representative for the developers, opened the presentation relative to the preliminary plan for the proposed subdivision at 57 Perkins Row.

Chairman Morrison informed Ms. McCann and the Applicant Jeff Garber that the Board cannot make any decision on the plan until the wetland boundaries delineation has been approved by the Conservation Commission which would not take place until April 22, 2015. Ms. Morrison noted that the elements of the plan could change when the Conservation Commission made its decision. Therefore, the Planning Board could not make a decision in the required 45 days.

Attorney McCann requested that the Board allow the Project Engineer Scott Cameron to make a presentation this evening on the filed preliminary plan which would be followed by discussion on the process.

Mr. Cameron confirmed that the Conservation Commission would act on the wetland boundaries at the April 22nd Conservation meeting since the Commission could not act on applications until after April 15th to be in compliance with the Wetlands Act. He reviewed the plan and noted that it was a standard plan with minor waiver requests. Stormwater engineering had commenced on the wetland areas in order to restore and clean out areas with invasive plants.

Mr. Cameron informed the Board that Conservation Commissioner Holger Luther has

recommended that the hydraulics under the original driveway be maintained as a “weir” under the retaining walls so the pond is not drained out.

Chairman Morrison recommended that the stormwater management be done concurrently with the definitive review. The Planning Board would require a peer review and Ms. Morrison noted that the Board uses the engineering firm of Beals & Thomas Inc. She also suggested that the peer review be a joint effort with the Conservation Commission for economy of scale.

Mr. Cameron answered several questions from the Board members. The members also pointed out certain issues that they felt would need to be addressed:

- Wells seem to be located in the buffer zone and would require waivers from the Conservation Commission. Also, a waiver would be required from the Planning Board since all subdivisions are required to be part of the Town water system. Check with Water department.
- The members also suggested that the roadway and drainage plans, and guardrails relative to the slope and angle be reviewed by Highway Superintendent David Bond.
- Chairman Morrison requested that a comprehensive approach be taken for the installation of the stormwater elements on the whole property.
- Subdivision would require an Operations & Maintenance Plan for the common stormwater areas.

It was the consensus of both parties to extend the review of the preliminary plan to May 19, 2015. Attorney Nancy McCann signed the extension form.

Review of April Public Hearing Articles: Chairman Morrison informed the members that since the Board’s last meeting two zoning amendment requests had been filed by individual owners of property in Topsfield. She noted that M.G.L. Chapter 40A § 5 requires that the Planning Board conduct a public hearing about proposed changes to the Town’s Zoning Bylaw within sixty-five days of receiving the request, vote on the matter and make a formal recommendation to Town Meeting. The two requests are as follows:

1. The zoning proposal requested by Stephen E. Knowles, Trustee of 374 Boston Road Realty Trust, a party who owns land that would be affected by the proposal, to amend Article III, Section 3.02 Table of Uses Regulation, Sub-Section 4.35 Commercial Kennels in order to allow said use in the Business District Highway North by special permit.

2. The zoning proposal requested by Richardson Green Inc., a party who owns land that would be affected by the proposal, to amend Article III, Section 3.13 relative to the parking of automobiles for which a direct or indirect charge is made in residential zoning districts during the period of the annual Essex Agricultural Fair.

See attached document entitled “Draft No.1 2015 Warrant Articles, April 21, 2015 Public Hearing” for specific language for warrant articles.

Commercial Kennel Request: Chairman Morrison noted that the Planning Board created the Business Highway North District (BHN) to improve the small area and allow additional uses that would not be detrimental to the surrounding residential neighborhoods. The Board also sought input from the abutting residents. It was a deliberate decision at that time to exclude commercial kennels based on the determination that kennels are not compatible in a small area district. Since the creation of the BHN district and revisions to allowable zoning uses, the area has seen economic improvements. Members discussed the zoning request and were not amenable to support the use of commercial kennels. Discussion will continue at the public hearing on April 21st when an official vote will be taken by the Board.

Parking of Automobiles: Chairman Morrison explained that the Essex Agricultural Society is interested in acquiring the Richardson property in order to provide additional parking only for the period of the annual Essex Agricultural Fair. The zoning proposal under consideration would revise the existing bylaw and would apply to the parking of automobiles for which a direct or indirect charge is made in all residential districts for the period of the Essex Agricultural Fair. This proposal would allow for parking on that property during the Fair. This amendment does not negate the conditions of the Essex Agricultural Fair’s special permit. She further noted that she had discussions with the Police Chief who does support this zoning request and had also reviewed the request with the Zoning Board at its March 16th meeting. As a result of these discussions, the language “A facility for parking of more than twenty (20) vehicles would require a special permit by the Zoning Board of Appeals” was added.

The second section would be a Planning Board zoning proposal which would revise the existing bylaw relative to commercial districts and would apply to the parking of automobiles for which a direct or indirect charge is made in all commercial districts for the period of the Essex Agricultural Fair. This amendment would make the two bylaws consistent with each other.

After a lengthy discussion and review of the language, the members agreed to limit revisions to just section 3.13 which addressed the original Richardson request. Further, it was the consensus of the Board to keep the language“for periods not to exceed (10 days)”... to limit the extent of the revision. The warrant article language as a result of this discussion is as follows and would be presented in this form at the public hearing:

“3.13 Parking of Automobiles.

The following shall not be permitted in the Central Residential, *the* Inner Residential and Agricultural, and the Outlying Residential and Agricultural Districts either as an accessory use or by authority of the Board of Appeals, except as provided below:

“a. The parking of automobiles where a direct or indirect charge therefore is made except ~~to the extent already in use~~ for periods not to exceed (10 days) ~~at~~ *during* the Essex Agricultural Fair, but to no greater extent. ***The parking of more than 20 automobiles on a single lot in such period, except to the extent already in use, shall require a Special Permit from the Zoning Board of Appeals.***”

The meeting was adjourned at 10:30 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator

Attachments:

Letter from Stephen Knowles, Re: 374 Boston Street Zoning Request
Letter from Richardson Green Inc., Re: 97 & 111 Boston Street Zoning Request
Draft No.1 2015 Warrant Articles, April 21, 2015 Public Hearing